

FORKS TOWNSHIP - BOARD OF SUPERVISORS
Northampton County, Pennsylvania

REGULAR MEETING
July 19, 2018

MEETING GENERALITIES:

The Forks Township Board of Supervisors met in a Regular Meeting at the Municipal Building, 1606 Sullivan Trail, Easton, Pennsylvania on his date with the Pledge of Allegiance.

Board Members present were:

John O'Neil, Chairman
Erik Chuss, Vice Chairman
Dan Martyak, Supervisor
Ed Moore, Supervisor
Robert Egolf, Secretary/Treasurer

Others Present:

John V. Cornell, Township Manager
Steve Kramer, Public Works Director
James Farley, Finance Director
Wendy Nicolosi, Solicitor
Sean Policelli, Township Engineer
Chuck Gallagher, Fire Chief

Absent:

Rachel Sulzbach, Parks & Recreation Director
Barb Bartek, Human Resource Manager
Greg Dorney, Police Chief

APPROVAL OF MINUTES OF THE PREVIOUS BOARD MEETINGS:

Minutes of June 21, 2018 Regular Meeting –

- Page 3 under Old Business, Automated Red Light Enforcement – need to identify who Mike is by using last name. Last names should be used going forward.
- After Dan Martyak the word Supervisor is misspelled.
- Ed Moore was not present at the June 21st meeting and should be noted as such.
- Page 2 - Under FBA heading - Next _____ event was October 17th - that event is a ***Halo event*** and that would complete the sentence.
- Page 4 – Human Resources – 2nd sentence it says – 10 to date – not sure what that means, needs to be clarified. Confirmed by Board Members It should read - 10 ***applicants*** for the job.

Vote called: 4-1 Abstain (John O'Neil)

Any public comments for non-agenda items: None

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INVITED GUESTS

- **Planning Commission:** Dean Turner – 1) Spoke with the Planning Commissioners regarding the joint meeting and they request we do it in September, either at the Board of Supervisor Workshop or the Planning Commission Workshop. 2) There will be no Planning Commission Workshop on Tues, July 24th. Board of Supervisors finalized September 6th Workshop for the joint meeting.
- **Recreation Board:** Rachel Sulzbach - Absent
- **Forks Business Association (FBA):** Township Manager John Cornell – No report - the FBA doesn't meet in July

Treasurer's Report:

Total Outstanding Debt.....\$7,335,000.00

	<u>7/5/2018</u>	<u>7/19/2018</u>
General Fund	\$ 245,725.41	\$ 913,779.61
Real state Tax	\$ 59,731.04	
Capital Improvement ..		
State Liquid Fuels	\$ 3,460.06	\$ 5,912.81
Sewer Tap-in		\$ 787,530.00
Escrow Fund		\$ 36,100.90
Utility Fund	\$ 13,472.83	\$ 409,599.88

Supervisor Bob Egolf made a motion to approve the **7/5/2018** payments; seconded by Ed Moore

Vote Called: 5-0

Supervisor Bob Egolf made a motion to approve the **7/19/2018** payments; seconded by Ed Moore

Vote Called: 5-0

Not shown on the agenda is Resolution 180719 that needs to be passed. We are applying for a Multi Modal Transportation Fund Grant in the amount of \$237,168.00 from the Commonwealth Financing Authority. To be used for new sidewalks with pedestrian lighting and streetscape apparatus along the frontage of Park Plaza. In order to apply for the grant, we need to pass this resolution.

Need motion to pass Resolution 180719; motion made by John Cornell, seconded by Bob Egolf.

Chairman John O'Neil asked for any public comment being none he called for a roll call - Mr. Egolf aye, Mr. Chuss aye, Mr. Martyak aye, Mr. Moore aye and Mr. O'Neil voted aye.

OLD BUSINESS

1 Knollwood informal discussion

David Backenstoe, Conflict Counsel for the Township - The plan originally would have expired on July 31, 2018. We received a written extension from the applicant which runs through September 30, 2018. I ask that you take a formal vote to confirm and accept the extension offered by the applicant through September 30, 2018.

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1 Knollwood informal discussion (cont.)

Discussion – Mr. Martyak asked the reason for the extension?

Mr. Backenstoe – Time would run out the end of this month. Applicant has a submission to discuss this evening with the Board. They will then resubmit their final submission, get an engineering review letter, go back to the Planning Commission one more time and come back to the Board of Supervisors. Without the extension the Board would have to take action to approve or deny the plan this evening, because this would be your last opportunity.

Motion was made by Mr. O’Neil to accept the extension through September 30, 2018 - Mr. Martyak aye. Mr. Egolf aye, Mr. Chuss aye, Mr. Moore aye and Mr. O’Neil aye.

The Knollwood Plan – Developer Engineer – The engineer explained last month the Planning Commission recommended conditional approval, subject to some waivers. The understanding is Knollwood will not get those waivers. Knollwood worked on basically the same plan, with same number of housing units. It was revised with a couple more twin homes and a fewer single family homes. Singles homes went from 139 to 135 and twin homes from 80 to 84. It’s still the same number of dwelling units, same roads, same storm water management. This revised plan will not require waivers. We will make a submission to your engineer to go over the plan and have him confirm we will not require waivers. We would like to come back to you with his recommendation, that we could get a preliminary plan approval and then move on and satisfy all the other conditions needed to get the final approval. Some lot lines have been around and added one additional cross street which is basically the only change. Developer will submit for a review and when it is completed will come back before the Board.

Comments - Mr. Chuss raised question regarding the bridge over Kesslerville Road which will not be proposed by the developer and additional concerns of other traffic circulation flow with regards to safety issues. Mr. Egolf and Mr. Martyak concurred with Mr. Chuss safety concerns.

Public Comments

Donna Peterson, 2321 Silo Drive – My concern is with the river flow and the water flow is going to be? What recourse do I have as a resident, when the water is on my property? Who will she need to go to? The township or the developer to resolve the water issues.

Discussions - What plans are in place to address the water flooding in the developing area and the properties in the location and around the future development.

Mr. O’Neil advised the resident to contact John Cornell, Township Manager if and when a water issues arises.

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1 Knollwood informal discussion (cont.)

Public Comments

Frank Alberico, 1331 Brairwood Lane – Would it be possible for Sean Policelli to consult with the Corp of Engineers to see if this is a viable plan?

Sean Policelli – The developer submitted a hydraulic analysis and are not allowed to back water up or increase the flood elevation per their design. The analysis was found not to affect the flood plan elevation.

Mr. Chuss noted recollection that engineering studies that were done regarding the need for a bridge on Kesslerville Road, there were cost estimates for a bridge. The studies were done probably around the Knollwood Phase 1. No formal action taken.

2. Penn's Ridge Phase 13 & 14 revised final plan

Tony Ganguzza, representing Mamora Realty – After discussions with the township and existing Home Owner Association, the new plan is to remove the flat units and have a community that would consist of 65 new townhouses. The Plan is decreasing the impervious coverage, which is a good thing in terms of storm water management. We appeared before the Planning Commission and received a positive recommendation from them to appear before you tonight for a final amended approval. We received Gilmore's letter of July 16th and have no issues with the conditions in the letter and reviewed the April 9th Gilmore letter that it references and have no issues with the conditions in that letter as well.

Developer has agreed to acquire a portion of Kesslerville Road that was owned by the bank and make the necessary improvements of Kesslerville Road. We will work with the township to make sure our portion is improved in short order. We are also willing to improve the section of Kesslerville Road that we do not own, with limited funds.

Motion for revised final approval on Penn's Ridge Phase 13 & 14 – Motion made by Mr. Moore
Seconded by Mr. Chuss; Wendy Nicolosi, Solicitor requested - Conditioned upon the Engineer's letter dated July 16, 2018.

Vote: Mr. Moore aye, Mr. Martyak aye, Mr. Chuss aye, Mr. Egolf aye, Mr. O'Neil aye

3. Bartolacci Zoning Challenge Hearing

Wendy Nicolosi, Township Solicitor – This will be going on the record and is a continued hearing. Wendy provided background, the township has explored some zoning changes that would allow apartments following a "self-curative amendment" and at one point the township invoked a 180 day cure period. During which time the township looked into passing a zoning amendment that would allow apartments in various areas of the township. During the 180 day period we could not get any challenges from any property owners. The Township was unable to make the 180 day deadline. The applicant then filed a Curative of Amendment.

As part of the Curative Amendment, the applicant was required to present a plan and a proposed ordinance. Township had some issues with the proposal and outlined about 12 different areas not acceptable to the township as presented. The applicant has been working on addressing those concerns. Further noted this hearing is being transcribed by a court reporter which will be the official record.

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- **The following is not the transcribed record as noted above and is for reference purposes only***

3. Bartolacci Zoning Challenge Hearing (cont.)

Attorney Piperato – Would like to have Mr. Tom Comitta talk about the design guidelines, which have been committed to writing and would become part of any ordinance that the applicant would ask the township to adopt. After discussing the design guidelines, then run through the original fly over. After that, run through another fly over that represents a buy right plan under the township's existing ordinance, something we do not want to build

Mr Tom Comitta, Town Planner and Landscape Architect for the applicant, passed out a 3 page Design Guideline to the Board for their review and summarized the guideline. Mr. Comitta then showed and discussed the fly over video of the proposed project, asking for any input the township may have.

Mr. Mike Rusik, MSR Engineering for the applicant. Showed and summarized a 3D baseline video of what an apartment development would look like under the township's current standards and basic model.

The Board had concerns with not seeing any recreational facilities on the plan, such as parks, playgrounds, family areas, play areas, number of parking spaces per apartment, safety issues fire hydrants and if there was ample room for the fire trucks to reach the buildings.

The applicant stressed these were preliminary plans and will certainly work with the township to assure the items they mentioned and any other considerations the township may have, would be incorporated in the project/plan.

Open to the Public for comment

Frank Alberico, 1331 Briarwood Lane – How many bedrooms per unit?

Applicant – 1-2-3 bedrooms, will be market driven and the applicant would like to customize the buildings and apartment as leases are written.

There are 2 things being overlooked at this location. One there is an airport and 3 story buildings would be a danger. Second we have 2 – 2 lane over used highways right now.

Mr. Alberico passed out copies to the Board of what he will read.:

- In October 19, 2017 the Board voted this project down basically for safety.
- Road and railroad safety issues for school buses, trucks of all sizes and speed causes safety hazards.
- School ratio per child and class room is high.
- Is there enough utilities to facilitate this project?
- First responders may need to be changed due to additional number of residents.

Edward Cole, 4206 Sullivan Trail – Safety concerns of the amount of traffic coming onto Sullivan Trail. One entrance onto Sullivan Trail and it's on a blind hill. Adds a large number of additional cars, cars speeding and accidents. The Forks Shawnee elementary school is now at 26-28 kids per class, no room for more. Penn's Ridge and Knollwood are adding more children. Concern about the airport and plans going over the Knollwood property.

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3. Bartolacci Zoning Challenge Hearing (cont)

Comments from Board

Mr. Chuss – What percentage of this is commercial development versus townhouse development that you are now proposing?

Applicant – 660,000 square feet, dwelling units only.

Mr. Chuss – Where would school buses pick up children?

Applicant – It isn't addressed on current plan, but certainly will be address at the appropriate time.

Mr. Egolf – Questioned if fire equipment can gain access to the building on all sides.

Mr. Comitta – If Sean Policelli felt we needed any refinements or tweaks it will be added.

Sean Policelli – As part of the fully design land development plan, they would have to provide truck turning templates that demonstrates the township fire equipment can access all the different areas to provide cover to the buildings.

Mr. Moore – Federal Aviation approving the height of these buildings. In your design do you have anything that would enhance approaches to the airport from the roof line.

Mike Rusik – Presented and commented on a detail overlay of the airport approach that he put on the screen for viewing. Applicant presented the plans with the 3 lots shown and overlay of the airport to Lehigh National Airport who approved the plans for the subdivision itself.

Mr. Moore – Can you add anything to the roof line to make the development more astatic from the air?

Mike Rusik – They basically are looking for things that would not be tracked from the pilot or distract the pilot.

Mr. O'Neil thanked everyone for their comments. Any wish items or suggestions are to be given to John Cornell.

Wendy Nicolosi, Solicitor – The hearing will be continued to the 2nd Board of Supervisors meeting on August 16, 2018. Court stenographer will transcript the hearings to be held for reference.

Suggestion from audience to post the meeting schedule on Nixle, Board agreed to post on Nixle.

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-A this time the regular meeting resumed-

DEPARTMENT REPORTS

Township Manager – John Cornell, - Report in packet. 1) Asked if the Board would like to consider adopting our own regulations with regards to fireworks. The state reduced the requirements and regulations of fireworks. Fireworks are now going off all over the township.

Mr. Egolf suggested putting a message regarding safety of fireworks in the Forks Focus.

2) Gave you each a copy of a letter on the litigation / Arbitration is Thursday, July 25th.

Finance Director - Jim Farley, - Report on drive. The 2017 Financial Audit is completed. We ended 2016 with our fund balance in negative territory and end Fiscal Year 2017 we made a 350,000-400,00 in a positive territory. Mr. Chuss questioned a \$150,000 overage miscellaneous expense for this year. Mr. Farley will look into the overage and report back.

Human Resources – Barb Bartek, - Absent

Public Works – Steve Kramer, - Report on drive.

Zoning Dept – Tim Weis, - Report on drive.

Recreation – Rachel Sulzbach, - Absent

Police Chief – Greg Dorney, - Absent

Fire Chief – Chuck Gallagher, - Report on drive

Engineer – Sean Policelli, - Frutchey Hill bridge - Will have a more formal update at next Board Workshop. To move the permitting forward, we did an existing feature survey of the bridge, which ties into preparing design plans for the bridge. We had a wetland delineation, which is required as part of the permitting. Structure designs for the foundation and other parts, should be done by end of this week or next week. Will then prepare specs to go out for bids.

Solictior – Wendy Nicolosi – Need a signature on a storm water covenant. When plans are submitted to the township the Board members should be copied so they can see the documents in advance of the the meeting. Mr. Cornell and Mr. Weiss stated it is a process that will be started going forward.

Meeting adjourned 9:45

Final minutes 7/30/18 scripted by L Nicasanti